

IN THE UNITED STATES DISTRICT COURT **FILED**
FOR THE DISTRICT OF NEW MEXICO UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SEP 11 2003

JAMES SEABA and CORY PHILLIPS,

Plaintiffs,

vs.

No. CIV 02-0103 LH/RHS

MESOSYSTEMS TECHNOLOGY, INC.,

Defendant.

R. J. [Signature]
CLERK

ORDER

THIS MATTER comes before the Court *sua sponte*. In their Response to the Defendant's Motion for Summary Judgment (Docket No. 82), filed May 16, 2003, the Plaintiffs agreed that they were unable to substantiate their claims for Wrongful Termination and Tortious Interference with Prospective Contractual Relations. Because their Motions to Compel Discovery Responses (Docket Nos. 84 and 85), filed May 27, 2003, were pending at the time their Response was filed, the Plaintiffs averred that those discovery responses might produce information that would substantiate their claims. The Plaintiffs therefore stated that they might seek to supplement their Response. The Court, having considered the pleadings and otherwise being fully advised, finds that the Plaintiffs' Motions to Compel Discovery Responses were granted in part on June 27, 2003; that all discovery granted by said orders was to be conducted by August 1, 2003; and that the Plaintiffs have now had ample time to conduct said discovery.

120

IT IS, THEREFORE, ORDERED that the Plaintiffs file a supplement their Response to the Defendant's Memorandum in Support of Motion for Summary Judgment, if they choose to do so, within ten (10) days of entry of this order. The Defendant will thereafter have seven (7) days in which to file a response to the Plaintiffs' Supplemental Response. In the event that the Plaintiffs do not wish to file a supplement, they are hereby ordered to notify this Court and opposing counsel at once.



SENIOR UNITED STATES DISTRICT JUDGE